

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DIONTAE JOHAN DUNCAN,

Plaintiff,

v.

CALIFORNIA HEALTHCARE
RECEIVERSHIP CORP., et al.,

Defendants.

Case No. 1:20-cv-01288-AWI-SKO (PC)

**FINDINGS AND RECOMMENDATIONS
TO DENY PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT**

(Doc. 11)

14-DAY DEADLINE

Plaintiff has filed a motion for a default judgment. (Doc. 11.) Plaintiff is appearing *pro se* and *in forma pauperis* and his complaint is subject to screening. The Court has not yet screened the complaint and no defendants have appeared in this action.

As explained in the Court's First Informational Order, per 28 U.S.C. § 1915A, the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or an officer or employee of a governmental entity. (Doc. 5 at 3.) A *pro se* plaintiff may not proceed with such a legal action until the Court screens the plaintiff's complaint and finds that it states a cognizable claim for relief. (*Id.*) Because Plaintiff is a prisoner appearing *pro se* and sues governmental entities, his complaint is subject to screening and he may not proceed in this case until the screening is complete. If the Court finds that the complaint states a cognizable claim for relief, it will direct service on the appropriate defendants at that time. (*See id.*)

///

1 Based on the foregoing, the Court RECOMMENDS that Plaintiff's motion for a default
2 judgment be DENIED as premature. These Findings and Recommendations will be submitted to
3 the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. §
4 636(b)(1). **Within 14 days** of the date of service of these Findings and Recommendations,
5 Plaintiff may file written objections with the Court. The document should be captioned,
6 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
7 within the specified time may result in waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d
8 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

9
10 IT IS SO ORDERED.

11 Dated: **October 27, 2020**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE